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is our business.

REDACTED FOR PUBLIC INSPECTION

EX PARTE OR LATE FILED

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Accepted / Filed

APR 21 2015

VIA ECFS

April 21, 2015

Federal Communications Commission  
Office of the Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

**Re: WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135,  
WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45  
WC Docket No. 03-109, WT Docket No. 10-208  
Notice of Ex Parte**

Dear Ms. Dortch:

In response to an inquiry from Wireline Competition Bureau staff, the below information was provided on behalf of Smart City Telecommunications LLC d/b/a Smart City Telecom ("Smart City") to Bureau staff Gregory Haledjian and Victoria Goldberg via email on April 16, 2015. Staff requested details behind the traffic information underlying the switched access billing disputes described in the Smart City Petition for Limited Waiver of the 2011 Rate-of-Return Carrier Base Period Revenue.<sup>1</sup>

Smart City's research revealed correspondence and documents that were consistent with the explanation in the petition that in the dispute, Verizon Business claimed that the traffic associated with the disputed amount of [REDACTED] was VoIP traffic and that as such, it was not subject to tariffed access rates for switched access service. In response, Smart City contended that none of the traffic was VoIP and thus all of it was subject to the company's tariffed access rates. As shown in the attached email, on two separate occasions (Oct 2010 and Nov. 8, 2012) Smart City requested Call Detail Records (CDRs) for the traffic that Verizon Business claimed was VoIP; however, Verizon Business never provided the CDRs. After negotiations, the parties reached a settlement in which Verizon agreed to pay [REDACTED] of the disputed amount and no longer contended that the minutes-of-use were VoIP. The second attached email (which contains correspondence on Dec. 12 & 13, 2012) shows that the settlement was for "the disputes associated with invoices submitted to Verizon Business by Smart City Telecom for **originating and terminating switched**

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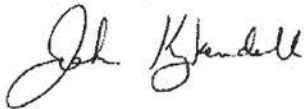
<sup>1</sup> See Petition of Smart City Telecommunications LLC d/b/a Smart City Telecom for Limited Waiver of 47 C.F.R. § 51.917(b), WC Docket No. 10-90 *et al.*, filed March 27, 2013 ("Petition").

**access charges** through the usage period of December 31st, 2011” and that “[a]ny other terms previously discussed or reflected in other documents, including emails, are hereby superseded.” The settlement also states, “[u]pon receipt of the [REDACTED] payment, Smart City Telecom will issue credits to Verizon Business such that the balance due from Verizon Business by Smart City Telecom is equal to \$0.00 for any **switched access usage** that has been, or in the future, could be billed to Verizon Business by Smart City Telecom through the usage period of December 31st, 2011. (emphasis supplied). Also note that the settlement agreement made no reference to Verizon’s original assertion that the traffic was VoIP. Accordingly, the parties did not consider any of the traffic associated with the settlement amount to be VoIP.

Attachments referenced in the April 16 email are attached to this notice of *ex parte*.

Please contact the undersigned with any questions.

Respectfully submitted,



John Kuykendall  
Vice President

Attachments

cc: Gregory Haledjian  
Victoria Goldberg

## John Kuykendall

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**From:** Hall, Lynn B. <lbhall@smartcitytelecom.com>  
**Sent:** Thursday, April 16, 2015 12:44 PM  
**To:** John Kuykendall  
**Subject:** FW: SMART CITY TELECOM - VOIP July usage dispute.. claim nbrs: N45482, N45483

FYI. Lynn

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**From:** Hall, Lynn B.  
**Sent:** Thursday, November 08, 2012 2:59 PM  
**To:** Bando, Charles A (Chuck) (charles.a.bando@verizon.com)  
**Subject:** FW: SMART CITY TELECOM - VOIP July usage dispute.. claim nbrs: N45482, N45483

Chuck –

Here is our very first (email) request for CDR's following our receipt of Verizon's very first dispute (in October 2010 for July 2010 usage billed 8/1/2011), which was never responded to in any manner.

Lynn

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**From:** Flintosh, Peggy  
**Sent:** Wednesday, October 13, 2010 2:56 PM  
**To:** 'earl.hurter@verizonbusiness.com'  
**Subject:** SMART CITY TELECOM - VOIP July usage dispute.. claim nbrs: N45482, N45483

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Earl,

I need the CDRs for the traffic Verizon Business is disputing and has deemed as IP and not subject to access charges.

Thank you,

Peggy Flintosh

Peggy M. Flintosh  
Revenue Assurance Analyst

P.O. Box 22555



3100 Bonnet Creek Road  
Lake Buena Vista, FL 32830

Telephone: (407) 828-6688  
Fax: (407) 828-6734  
email: [pfintosh@smartcity.com](mailto:pfintosh@smartcity.com)

**Smart City**  
Connect Smarter

**From:** Padilla, Theodore (Ted) [<mailto:theodore.padilla@verizonbusiness.com>]  
**Sent:** Tuesday, October 12, 2010 2:57 PM  
**To:** Thum, Thomas  
**Cc:** Hurter, Arthur E (Earl); Donahue, Donna (Donna Donahue)  
**Subject:** SMART CITY TELECOM - VOIP July usage dispute.. claim nbrs: N45482, N45483

Thomas;

I am disputing the VOIP charges for the July , 2010 SMART CITY TELECOM usage period.

Ban: 0330FGD22201: claim nbrs: N45482, N45483

Please see the attached excel files for dispute details.

Also, attached is the PDF files explaining the VOIP disputes.

If you have any questions please contact Earl Hurter @ 312 - 260-3599

Thank you;

**Ted Padilla**  
**Verizon Business**  
**Financial Analyst**  
**Chicago Access Cost Center**  
**312-260-3212**  
**Vnet 894-3212**

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## John Kuykendall

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**From:** Hall, Lynn B. <lbhall@smartcitytelecom.com>  
**Sent:** Thursday, April 16, 2015 12:49 PM  
**To:** John Kuykendall  
**Subject:** FW: SPAM:Settlement

The End!

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**From:** <Cascio>, John <JCascio@smartcity.com>  
**Date:** Thursday, December 13, 2012 1:39 PM  
**To:** Chuck Bando <charles.a.bando@verizon.com>  
**Cc:** "Schumacher, Jim" <JSchumacher@smartcity.com>  
**Subject:** Re: SPAM:Settlement

Chuck,

This email serves as Smart City Telecom's acceptance of the terms of settlement set forth in your email. In accepting these terms, Smart City understands that these terms reflect our agreement in its entirety. Any other terms previously discussed or reflected in other documents, including emails, are hereby superseded. Consistent with the agreed terms and upon our receipt of the [REDACTED] payment from you, Smart City Telecom will make the appropriate adjustments to the Verizon Business account to bring the remaining balance to \$0.00 for switched access usage on Smart City's network through December 31, 2011.

Also, as we discussed, please confirm that you have been given the binding authority to settle this matter and make this agreement on Verizon's behalf.

Thank you for your efforts. We, too, are happy to see this matter resolved.

## John Cascio

**Chief Operating Officer**

P.O. Box 22555 | 3100 Bonnet Creek Road | Lake Buena Vista, FL 32830

O: [407-828-6620](tel:407-828-6620) | F: [407-828-6601](tel:407-828-6601)

E: [jcascio@smartcity.com](mailto:jcascio@smartcity.com)

**Smart City**

Connect Smarter

Connect Greener | Consider the environment before printing this e-mail.

**From:** <Bando>, "Charles A (Chuck)" <[charles.a.bando@verizon.com](mailto:charles.a.bando@verizon.com)>  
**Date:** Wednesday, December 12, 2012 11:30 AM  
**To:** John Cascio <[jcascio@smartcity.com](mailto:jcascio@smartcity.com)>  
**Cc:** "Schumacher, Jim" <[JSchumacher@smartcity.com](mailto:JSchumacher@smartcity.com)>  
**Subject:** SPAM:Settlement

For Settlement Discussion Purposes Only

John,

This email serves as the agreement made between Verizon Business and Smart City Telecom to settle the disputes associated with invoices submitted to Verizon Business by Smart City Telecom for originating and terminating switched access charges through the usage period of December 31<sup>st</sup>, 2011. Verizon Business and Smart City Telecom agree to the following as conditions of this settlement.

- Verizon Business will make a payment to Smart City Telecom in the amount of [REDACTED] by December 31, 2012.
- Upon receipt of the [REDACTED] payment, Smart City Telecom will issue credits to Verizon Business such that the balance due from Verizon Business by Smart City Telecom is equal to \$0.00 for any switched access usage that has been, or in the future, could be billed to Verizon Business by Smart City Telecom through the usage period of December 31<sup>st</sup>, 2011.

Provided you concur with this email, I will move forward in having the check processed. If you have any questions or wish to discuss this further, please feel free to contact me. I am happy we were able to agree to settle these disputes and I look forward to your timely response so we can have this issue resolved by the end of the year.

Thanks,  
Chuck Bando

617-743-2242 office  
617-733-7727 cell

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